



U.S. Department of Justice

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December 4, 2013

BY ELECTRONIC COURT FILING

Honorable Viktor V. Pohorelsky
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Tummino v. Hamburg, No. 12-CV-0763 (ERK/VVP)

Dear Judge Pohorelsky:

We write with the consent of the plaintiffs in the above-referenced matter to respectfully request a modification to the briefing schedule as to plaintiffs' motion for attorneys' fees and costs (ECF Nos. 97 and 111-125), which Judge Korman has referred to your Honor. Under the current schedule, the government's brief in response to plaintiffs' motion is due tomorrow, December 5, with plaintiffs' reply papers due by December 27. The parties are engaged in active discussions aimed at amicably resolving the fee dispute, and both sides believe it would be advisable to push back the briefing schedule for a couple of weeks to allow those discussions to continue and hopefully to bear fruit.

Accordingly, with the consent of counsel for plaintiffs', we respectfully request that the remainder of the briefing schedule for plaintiffs' fees motion be set as follows:

Government's Papers in Opposition to the Motion
Plaintiffs' Reply Papers in Support of Motion

December 20, 2013
January 10, 2014

This is the third modification of the original briefing schedule sought by the parties. By letter motion filed on October 3 (ECF No. 110), plaintiffs first requested that the original briefing schedule be modified (which request was granted by order dated October 7). By letter filed on October 22 (ECF No. 126), the parties jointly requested a second modification to the current briefing schedule, which this Court endorsed on October 23.

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We appreciate the Court's time and continued attention to this matter.

Respectfully submitted,

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By: /s/ {FILED ELECTRONICALLY}
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